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**THOMAS B. HANRAHAN, ESQ. - 017281979**

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*Attorneys for Defendants the Township of Teaneck, Dan Melfi, and Adam Myszka*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**Plaintiff(s)**

AL UMMAH COMMUNITY CENTER,  
AKA, AUCC FAMILY, EDUCATION  
AND FAITH CENTER, a New Jersey  
Non-Profit Corporation, RAY OF  
SUNSHINE FOUNDATION INC., a  
New Jersey Non-Profit Corporation

vs.

**Defendant(s)**

TEANECK, TEANECK ZONING  
BOARD OF ADJUSTMENT, and its  
Members, HARVEY ROSEN, DANIEL  
WETRIN, MONICA HONIS,  
JENNIFER PRINCE, JERRY L.  
BARTA, EDWARD MULLIGAN,  
ATIF REHMAN, MARK  
MERMELSTEIN, ZEV GREEN,  
JAMES BROWN, in their individual  
and official capacities, DAN MELFI,  
ADAM MYSZKA, individually and in  
his official capacity, and JOHN AND  
JANE DOES 1-20, in their individual  
and official capacities

*Document Filed Electronically*

Honorable Kevin McNulty, U.S.D.J.

CIVIL ACTION NO. 2:20-cv-14181  
(KM/ESK)

**CERTIFICATION OF COUNSEL**

I, THOMAS B. HANRAHAN, ESQ., of full age and being duly sworn to upon my oath, do hereby certify as follows:

1. I am an attorney-at-law of the State of New Jersey, and admitted to practice before the United States District Court for the District of New Jersey, and am the owner of the law firm of HANRAHAN PACK, LLC, attorneys for Defendants the Township of Teaneck, Dan Melfi, and Adam Myszka. I submit this Certification based upon my personal knowledge, and in support of these Defendants' Motion to Dismiss Plaintiffs' Amended Complaint against Defendants the Township of Teaneck, Dan Melfi and Adam Myszka, pursuant to Fed.R.Civ.P. 12(b)(1) and 12(b)(6).

2. I hereby certify for the District Court's convenience that Defendants the Township of Teaneck, Dan Melfi, and Adam Myszka adopt the same Exhibits as previously submitted by Defendants the Board of Adjustment and the Board Members, and used the same Exhibit references in the attached Brief on behalf of these Defendants.

3. The undersigned previously filed these Defendants' first Motion to Dismiss Plaintiffs' Amended Complaint on behalf of Defendants the Township of Teaneck and Dan Melfi on May 14, 2021 (ECF No. 25); and on May 27, 2021 Magistrate Judge Edward S. Kiel entered an Order staying further briefing on the two (2) Motions to Dismiss (ECF Nos. 22 and 25) pending settlement discussions (ECF No. 28, ¶2).

4. On July 21, 2021 the Court scheduled an in-person Settlement Conference for August 12, 2021 before Magistrate Judge Edward S. Kiel, and the two (2) Motions to

Dismiss (ECF Nos. 22 and 25) were administratively terminated by Judge Kiel (ECF No. 29, ¶¶ 1 and 2), but without prejudice.

5. On October 18, 2021 Magistrate Judge Kiel granted all Defendants leave to renew their Motions to Dismiss by November 12, 2021 (ECF No. 38, ¶5).

6. On November 12, 2021 these Defendants' filed a Second Motion to Dismiss Plaintiffs' Amended Complaint on behalf of Defendants the Township of Teaneck and Dan Melfi (ECF No. 44);

7. On November 17, 2021 the law firm of Beattie Padovano, LLC as counsel for Defendants ZBA and the individual ZBA Members filed a Motion to withdraw as counsel for the individual ZBA Members (ECF No. 46), and Oral Argument as to the pending Motion to withdraw as counsel was scheduled for December 20, 2021 before Magistrate Judge Kiel (ECF No. 49).

8. On December 1, 2021 counsel for Defendant ZBA filed their Second Motion to Dismiss (ECF No. 52).

9. On December 3, 2021 the two (2) pending Motions to Dismiss (ECF Nos. 44 and 52) were administratively terminated by Judge Kiel (ECF No. 53), without prejudice pending the hearing as to the Motion to withdraw as counsel, which Motion was granted by Judge Kiel on December 20, 2021 (ECF No. 55).

10. Notices of Appearance as new counsel for Defendant Atif Rehman were entered on January 14, 2022 (ECF Nos. 62 and 63), and Notices of Appearance as new

counsel for the individual ZBA Member Defendants (other than Rehman) were entered on January 18, 2022 (ECF No. 65).

11. On February 14, 2022 the Court held a Status Conference with all counsel before Magistrate Judge Edward S. Kiel, and on February 15, 2022 Judge Kiel filed an Order allowing Defendants who have not filed responsive pleadings to do so by March 11, 2022 (ECF No. 71, ¶3).

12. On March 11, 2022 the undersigned and counsel for Defendant ZBA filed their Third Motions to Dismiss (ECF No. 73 and 74, respectively).

13. On March 14, 2022 counsel for the individual ZBA Member Defendants (other than Rehman) and counsel for Defendant Rehman filed their original Motions to Dismiss (ECF Nos. 75 and 76, respectively).

14. On March 29, 2022 in response to the four (4) Motions to Dismiss filed by Defendants in this lawsuit, Plaintiffs filed an Amended Complaint (ECF No. 83) and asked the Court to terminate the four Motions to Dismiss, insofar as Fed.R.Civ.P. 15(a)(1)(B) allows Plaintiffs to file an amended complaint within 21 days after service of a motion to dismiss under Fed.R.Civ.P. 12(b) (ECF No. 84). Plaintiffs also filed a “red-lined” version of their Amended Complaint on April 5, 2022 (ECF No. 90-1), identifying the changes or revisions to the original Complaint.

15. On March 30, 2022 Magistrate Judge Kiel entered a Text Order administratively terminating the four (4) pending Motions to Dismiss without prejudice in

light of the newly-filed Amended Complaint, and directing all Defendants to answer, move, or otherwise respond to the Amended Complaint by April 19, 2022 (ECF No. 87).

16. On April 18, 2022 Defendants requested an extension of time to respond to the Amended Complaint (ECF No. 91), and on April 19, 2022 Magistrate Judge Kiel entered an Order extending the time for all Defendants to answer, move or otherwise respond to the Amended Complaint by May 13, 2022.

17. Attached hereto as the Township's **Exhibit "A"** is an official copy of Ordinance No. 6993 which was adopted by the Township Council on January 18, 2022, and which Ordinance created a Community Center Overlay ("CCO") Zoning District concerning non-governmental uses with the Public ("P") Zoning District, which Ordinance has been alleged by Plaintiffs to be "unlawful, unequal treatment of Plaintiffs, retaliatory towards Plaintiffs" (ECF No. 83, ¶ 251 and ¶ 252); and which Ordinance allegedly imposes "new barriers upon Plaintiffs," and that "Defendants hope to gain thousands more dollars in fees and expenses" (ECF No. 83, ¶ 253); and which Ordinance is now the subject of Plaintiffs' new Count XIV claiming retaliation and an unlawful re-zoning of the subject property, allegedly imposing new requirements upon Plaintiffs that did not otherwise exist (ECF No. 83, ¶ 342); alleging that Defendants re-zoned to impose lot coverage and other zoning rules not applicable to the "P" Zone (ECF No. 83, ¶ 343); alleging that said Ordinance was retaliatory in violation of the First and Fourteenth Amendments, RLUIPA, the NJCRA and other statutes (ECF No. 83, ¶ 344); alleging that the Council's act of re-zoning the Property makes Teaneck liable under Monell (ECF No. 83, ¶ 345); alleging that but for the

lawsuit, Defendant Teaneck would never have re-zoned the Property (ECF No. 83, ¶ 346); and alleging that no other secular or religious entity has been subjected to a re-zoning due to a lawsuit (ECF No. 83, ¶ 347).

18. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, that I may be subject to punishment.

**HANRAHAN PACK, LLC**

*Attorneys for Defendants the Township of  
Teaneck, Dan Melfi, and Adam Myszka*



By: \_\_\_\_\_  
**THOMAS B. HANRAHAN, ESQ.**

Dated: May 13, 2022